

Amendment  
Serial No. 10/690,330

Docket 5000-1-440

REMARKS

Reconsideration of all grounds of rejection in the Office Action and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks. Claims 3-16 remain pending herein. Claims 1, 2 and 17-20 have been canceled without prejudice or disclaimer. Claims 3 and 12 are independent claims.

At the outset, Applicant notes with appreciation the indication in the Office Action that claims 6-11, 15 and 16 recite allowable subject matter. Applicant respectfully submits that independent claims 3 and 12 have been amended to clarify step (b) in both claims. Support is found at least in the specification at page 11, lines 18-21 and FIGS. 4A and 4B, and page 12, lines 10-15, and are also based in part on the subject matter of allowable claims 6 and 15.

Claims 1-2 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sala *et al.* (U.S. Pat. Appln. Pub. 2003/0117998) ("Sala"). Claims 3-4 and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Applicant's Admitted Prior Art (AAPA) FIGs. 1 and 2 in view of Sala. Claims 12-14 and 18-20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sala in view of AAPA. Applicant respectfully traverses these grounds of rejection for the reasons indicated herein below.

Claim 3 has been amended to recite in part:

wherein step (b) comprises the steps of:  
determining whether an error exists within the preamble  
and Ethernet frame; and  
if no error exists within the preamble and Ethernet frame,  
extracting the LLID information contained in the preamble  
and configuring the new Ethernet frame inserting the LLID

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information at a predetermined position of the Ethernet frame outside the preamble.

Support is found as discussed above in the second paragraph of these remarks.

In addition, claim 12 has been amended to recite in part:

wherein step (b) comprises the steps of:  
extracting the LLID information from the received Ethernet frame and inserting the extracted LLID information within the preamble; and  
updating a FCS and CRC within the Ethernet frame.

Support for this amendment is also discussed above.

Applicant respectfully submits that the combination of Sala and AAPA fails to disclose or otherwise render obvious the rejected claims, as the combination fails to disclose or render obvious the extracting of the LLID information and inserting in a predetermined position outside of the preamble. As neither Sala (and or the AAPA) discloses extracting the LLID information and inserting it at a predetermined location outside of the preamble, the combination fails to disclose or otherwise render obvious this recitation and combined with the other elements in the claims.

While page 9, paragraph [0119], of Sala has been cited by the Office Action, Applicant respectfully submits that the combination of Sala and AAPA is silent regarding the recitations in the present claims, as the AAPA is admittedly silent in this regard, and the cited paragraph of Sala merely states that the PHY, MAC, and MAC control layer may operate according to 802.3 or 802.3ah standards. Thus, the combination of Sala and AAPA does not disclose, suggest, or otherwise in any way render obvious the method as recited in independent claims 3 and 12, which have been rejected in view of the said combination.

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As the combination of Sala and AAPA is silent regarding at least the above, Applicant submits that all of the rejected claims are allowable over the combination.

Applicant also respectfully submits that all claims dependent from one of the independent claims is also deemed allowable at least for depending from an allowable base claim and because of an independent basis for patentability. Individual consideration of each claim on its own merits is respectfully requested.

Applicant respectfully submits that the recited elements, as combined in the rejected claims, would not have been obvious as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

For at least the above reasons, Applicant respectfully submits that none of the present claims would have been obvious over Sala and the AAPA. Reconsideration and withdrawal of these grounds of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection are overcome, and all of the pending claims are patentable. A Notice of Allowance is respectfully requested.

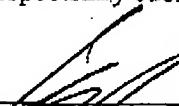
While no other fees are believed due at this time, please credit any overage or charge any deficiency to deposit account 502-470.

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Should the Examiner deem that there are any issues which may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

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Date: June 20, 2008

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